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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRIAN GILBERT BARNES,

Defendant and Appellant.

B243202

(Los Angeles County  
Super. Ct. No. LA057069)

APPEAL from an order of the Superior Court of the County of Los Angeles,  
Susan Speer, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner, Executive Director, Richard B.  
Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

## INTRODUCTION

Defendant and appellant Brian Gilbert Barnes (defendant) pleaded no contest to a charge of vehicular manslaughter (Pen. Code, § 192, subd. (c)(1)<sup>1</sup>). On appeal, appointed counsel for defendant filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting that this court conduct an independent review of the record to determine if there are any issues which if resolved in defendant's favor would require reversal or modification of the judgment. On October 30, 2012, we gave notice to defendant that his counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. We provided defendant with several extensions of time, through and including February 15, 2013, within which to submit his brief or letter. Defendant did not file a response brief or letter. After independently reviewing the record, we affirm the judgment.

## BACKGROUND

On March 12, 2009, defendant pleaded no contest to a charge of vehicular manslaughter, alleged to have occurred on October 9, 2007, in violation of section 192, subdivision (c)(1), and admitted an enhancement allegation for fleeing the scene of the crime in violation of Vehicle Code section 20001, subdivision (c). The trial court sentenced defendant to state prison for a term of 11 years, and awarded defendant 787 days of custody credit consisting of 525 days of actual custody credit and 262 days of conduct credit.

On or about June 27, 2012, defendant, acting pro se, filed a motion to correct abstract of judgment contending that he should have been awarded, retroactively, additional days of conduct credit pursuant to the version of section 4019 applicable at the time of his motion. The trial court denied defendant's motion, and defendant timely appealed the order.

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<sup>1</sup> All statutory citations are to the Penal Code unless otherwise noted.

### **DISCUSSION**

We have made an independent examination of the entire record to determine if there are any other arguable issues on appeal. Based on that review, we have determined that there are no arguable issues on appeal. We are therefore satisfied that defendant's counsel has fully complied with counsel's responsibilities under *People v. Wende, supra*, 25 Cal.3d 436.

### **DISPOSITION**

We affirm the order.

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MOSK, J.

We concur:

ARMSTRONG, Acting P. J.

KRIEGLER, J.